



November 3, 2003

Marlene S. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, NW  
Washington, DC 20554

Re: Ex Parte Presentation  
WT Docket No. 02-55

Dear Ms. Dortch:

This is to advise that on October 31, 2003, Lawrence A. Fineran, Vice-President, National Association of Manufacturers; Marvin McKinley, President, MRFAC, Inc.; Richard C. Crawford, Director, Federal Government Affairs, Coors Brewing Company; Jennifer Warren, Senior Director, Trade & Regulatory Affairs, Lockheed Martin Corporation; and the undersigned met with Commissioners Abernathy, Adelstein, and Martin, and their legal assistants, and with Paul Margie, legal assistant to Commissioner Copps, regarding the above-captioned proceeding.

The NAM/MRFAC representatives addressed the points set forth in the attachment. In addition, copies of NAM's The Facts About Modern Manufacturing were exchanged (additional copies of which are being supplied under separate cover for the record).

An original and one copy of this letter are submitted for inclusion in the Docket.

Respectfully submitted,

/s/ William K. Keane

William K. Keane  
Their Counsel

Cc(w/out encl.):

Commissioner Kathleen Abernathy  
Commissioner Jonathan Adelstein  
Commissioner Kevin Martin  
Jennifer Manner  
Barry Ohlson  
Sam Feder  
Paul Margie

## **800 MHz Interference**

### **The Latest Revisions to the Nextel Consensus Plan Do Not Resolve Concerns Expressed in Earlier NAM/MRFAC Comments**

- Five-Nine Year (or More?) Freeze on Additions/Modifications to B/I/LT Systems Would Harm Hundreds of NAM/MRFAC Members by Limiting Innovation, Productivity, and Security Improvements
- Five-Year Set-Aside of Channels for Public Safety Would Restrict Business Growth and Relocation Opportunities for Industrial and Business Licensees
- Cost Estimates for Re-Banding Understated
- Inadequate Assurance of Funding Could Derail Re-Tuning Mid-Stream
- Reimbursement Process Insulated from Effective Commission Oversight Risks Manipulation and Bias
- Continues to Avoid Hard Issues Associated with Border Regions

### **More Conservative Treatments Should Be Tried Before Radical Surgery**

- Commonality Between Balanced Approach and Nextel Plan Forms Basis For First Step, *e.g.*:
  - Adopt Rules Specifying Interference Correction Rights and Responsibilities
  - Adopt Complaint Procedure In The Event A Cellular Licensee Fails to Cooperate
  - Specify Time Period for Trial of Case-by-Case Solutions, *e.g.* Six Months or Less
- Provides an Opportunity for Real-World Evaluation of Less Drastic Proposals: An Ounce of Experience With This Approach Worth A Pound of Pleadings
- In the Event Step One Fails, Implement Re-Banding Along the Lines of That Proposed by Consensus Parties -- Assuming Concerns with Present Proposal Resolved